

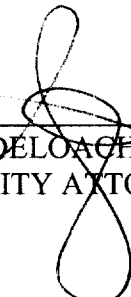
Entered - 1-14-10 sb
CL 10L0032- GWENDOLYN BURNS

10- R -0369

CLAIM OF: TRACY GANESH
P.O. Box 455
Scottdale, Georgia 30079

For damages alleged to have been sustained when a court date
was rescheduled on November 4, 2009 at 150 Garnett Street,
SW.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

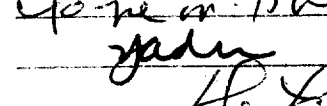
LEGAL ADMINISTRATION COMMITTEE

DATE 2/23/10

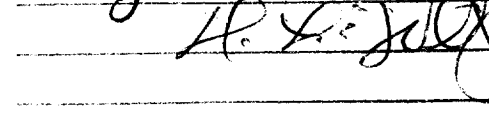
CHAIR 





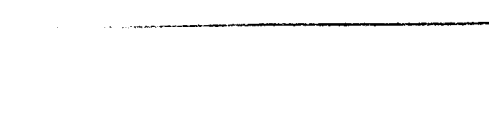




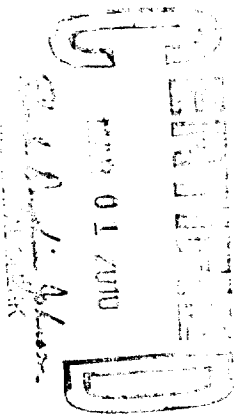








MAR 01 2010



MAR 01 2010

ADVISED BY
CITY COUNCIL



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6030
FAX (404) 658-6273

March 9, 2010

Tracy Ganesh
P.O. Box 455
Scottdale, Georgia 30079

10-R-0369

Dear Ms. Ganesh

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 10L0022

Date: January 27, 2009

Claimant /Victim TRACY GANESH
BY: (Atty) (Ins. Co.) _____
Address: P.O. Box 455, Scottdale, Georgia 30079
Subrogation: _____ Claim for Property damage \$ 9.00 Bodily Injury \$ _____
Date of Notice: 12/4/09 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____ X
Date of Occurrence 11/4/09 Place: 150 Garnett Street, SW
Department MUNICIPAL COURT Bureau: _____ Office: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that she sustained an unnecessary travel expense when the Court failed to notify her client of a court date rescheduling. However, the Municipal Court has governmental immunity for all operations pursuant to O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

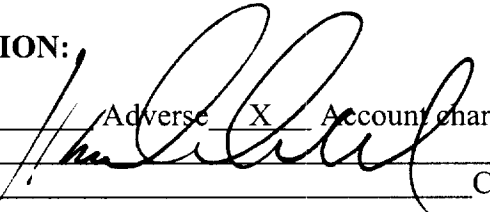
Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____
Claims Manager:  Concur/date 02/08/10
Committee Action: _____ Council Action _____

November 25, 2009

THE HONORABLE MAYOR SHIRLEY FRANKLIN
55 TRINITY AVENUE
SUITE 2500
ATLANTA, GEORGIA 30303

Dear MAYOR FRANKLIN:

SUBJECT: CITY OF ATLANTA, STATE OF GEORGIA VS. STEPHANIE N. SEARS

CITATION# 3777223, FOLLOWING TOO CLOSELY

SUBPOENA# 1063010 ACCIDENT# 093010453-00

RECEIVED

CITY OF ATLANTA LAW DEPT.

ENTERED - 11-14-10 - SB
1010022 - G. BURNS

RECEIVED

DEC 04 2009

CITY OF ATLANTA
DEPT OF LAW

The accident mentioned above occurred on October 28, 2009. The responding officer, D. Floyd, issued the subpoena (also noted above) to me while present at the scene. I entered The Lenwood A. Jackson Sr. Justice Center a few minutes prior to 8:00 AM on November 25, 2009, as instructed. This was my first visit to this building, as I have never been required to appear in court. After waiting around for quite some time staring at the screens in search of the name "Sears," I approached an officer (ANTHONY GILLEY) who was in the security area. I asked him if the information on the screens is constantly updated, to which he replied "It rotate." I again asked if the information is constantly updated. This time he became very loud, "IT ROTATE!" I said, "Ok, I understand it rotates, but is it constantly updated, or does the information remain the same all day?" He then became louder, "NO IT'S NOT UPDATED! IT ROTATE!" I attempted to explain to him that the defendant's name was not on the screen, and he rudely interrupted me and yelled at me to go to the window and ask questions. I was already displeased because I received insufficient information regarding the location and directions; however, let me emphasize that I NEVER spoke loudly with Mr. Gilley, nor did I use profanity or disrespect him in any manner. I was simply disgruntled and rightfully so. I suppose Mr. Gilley felt offended since I was not smiling and gleeful, because as I was about to walk away from him he began yelling in my face "CALM DOWN, DON'T BE SO MAD, YOU AIN'T GOT NO REASON TO BE ALL MAD!!" He continued this yelling as I walked to the other side of the lobby. As I approached Window # 1 he began yelling at me to go to Window # 4, so I did as instructed to find that there was nobody there. He then began screaming at me to go to Window # 8. This man's behavior was infantile, rude, demeaning, and downright unprofessional. Perhaps he has an inferiority complex and feels the need to power trip- I don't know- but it was obvious he intended to humiliate me in public without just cause.

To add more insult to injury, upon approaching Window # 8 and consulting with Mr. Humberto Reyes, I was informed that the court date was now rescheduled for December 9, 2009. After returning home, I called the Municipal Court of Atlanta, and spoke to "Jennifer" in the call center, who informed me that the court date had been rescheduled on November 4, 2009. She would not tell me why it had been rescheduled or who was responsible for the scheduling. I asked her why I was never notified and she told me that only the defendant is notified. This defies all logic for a multitude of reasons that should not even require elaboration. Anybody who works with the Municipal Court, regardless if it is a judge or a receptionist, should have the common sense to know that a victim of a motor vehicle accident needs to be aware of the court date so that he/she can be present.

Rogers
Jb

BURNS
01/13/10
F

Because of this lack of organization, communication and competence, I not only wasted my time, I also lost wages because I had to be absent from work to appear in court, not to mention it cost my husband and I \$9.00 in transit fare to reach the Justice Center. I would appreciate it if the City of Atlanta would kindly reimburse us for the \$9.00 we wasted today. It may seem like pocket change to you, but we cannot afford to throw money down the toilet.

10- R -0369

Respectfully,



Mrs. Tracy Ganesh

P.O. BOX 455

SCOTTDALE, GEORGIA 30079

TEL: (912) 571-0192

		03-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 10-O-0275 2. 10-O-0276 3. 10-O-0277 4. 10-O-0278 5. 10-O-0279 6. 10-O-0289 7. 10-O-0290 8. 10-O-0291 9. 10-O-0292 10. 10-O-0293 11. 10-O-0294 12. 10-O-0296 13. 10-O-0241 14. 10-O-0307 15. 10-R-0334 16. 10-R-0335 17. 10-R-0390 19. 10-R-0395 20. 10-R-0407 21. 10-R-0411 22. 10-R-0394 23. 10-R-0396 24. 10-R-0338 25. 10-R-0339 26. 10-R-0340 27. 10-R-0341 28. 10-R-0342 29. 10-R-0343 30. 10-R-0344 31. 10-R-0345 32. 10-R-0346 33. 10-R-0347 34. 10-R-0348 35. 10-R-0349	36. 10-R-0350 37. 10-R-0351 38. 10-R-0352 39. 10-R-0353 40. 10-R-0354 41. 10-R-0355	42. 10-R-0356 43. 10-R-0357 44. 10-R-0358 45. 10-R-0359 46. 10-R-0360 47. 10-R-0361 48. 10-R-0362 49. 10-R-0363 50. 10-R-0364 51. 10-R-0365 52. 10-R-0366 53. 10-R-0367 54. 10-R-0368 55. 10-R-0369 56. 10-R-0370 57. 10-R-0371 58. 10-R-0372 59. 10-R-0373 60. 10-R-0374 61. 10-R-0375 62. 10-R-0376 63. 10-R-0377 64. 10-R-0378 65. 10-R-0379 66. 10-R-0380 67. 10-R-0381 68. 10-R-0382 69. 10-R-0383 70. 10-R-0384 71. 10-R-0385